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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/805,891	03/22/2004	Russell W. Speight	41698.1114	1903

7590 09/15/2006
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EXAMINER

SMITH, CREIGHTON H

ART UNIT PAPER NUMBER

2614

DATE MAILED: 09/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/805,891

Applicant(s)

SPEIGHT, RUSSELL W.

Examiner

Creighton H. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-40 and 44 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-12 and 41-43 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/21/06</u> | 6) <input type="checkbox"/> Other: ____ |

The specification is objected to under 37 CFR 1.71 because the specification, as originally filed, does not provide support for the invention as now claimed.

The specification lacks support for applicant's limitation of a plurality of independent entities. On page 2, line 19 of the spec, applicant only has support for a plurality of entities, and not a plurality of independent entities. Applicant is required to either delete the language of "independent" entities or point out in the spec where this language appears.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-12, 41, 42, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Timmons et al, U.S. patent Publication #2004/0029567 in view of Simpson et al, U.S. patent Publication #2005/0015307.

The plurality of entities located within Timmons et al contacts folder 609 are such phone numbers as Bob's home phone number, business phone number, and mobile phone number. Therefore, a record (contacts folder 609) of a plurality of entities (all of Bob's phone numbers) has been produced.

Timmons et al discloses in [0053] a personalized information service that allows a user to create multiple contacts folders, 607/609-Fig. 9 & [0081]. The contacts folder contains personal information and business contacts, [0051]. The user's profile or folder specifies the preferred types of events, goods, services, manufacturers, merchants so that the user is automatically provided with a personalized service without the need to report the preferences each time when

calling an operator to obtain information and assistance, [0006] & [0046]. So, when the user first calls the operator for directory assistance, the operator conducts a data search and generates a record containing a plurality of telephone numbers from the search.

In [0081] Timmons et al disclose, as an example, a profile/folder for a person named Bob having multiple contacts such as home, business, and mobile phone numbers. In [0106], Timmons discloses that the user may manipulate the menu presented by the operator by pressing specified keys. Alternatively, the user's selection is spoken into telecommunications device 244, [0106]. Timmons discloses that when the user presses the #2 key, it enables her to skip to the next service feature. In [0115], Timmons et al disclose that if the outgoing call to the destination phone number cannot be completed because of a call status condition is indicated as busy, the user is afforded additional menu options such as attempting the same destination phone number again by pressing the #1 key or to record a message for later delivery. Timmons et al never discloses that the user can try 2 or more of the telephone numbers in the contact folder.

However, it would have been obvious to a person having ordinary skill in the art, with Timmons disclosure of multiple contact phone numbers in [0081] and in [0115] of a busy call status condition allowing the user to manipulate menu options, to also allow the user to try different contact phone numbers when the first phone number is busy or will not answer. The motivation for this modification is shown by Timmons et al in ¶s [0081] & [0115]. Timmons also never discloses that the directory assistance perform the search based upon a specific criteria.

However, Simpson et al do disclose a directory assistance search based on a specific criteria given by the calling party. In [0012], Simpson et al disclose generating a list of businesses based on the business category selected by the customer. Also see [0015]. To have used Simpson et al

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teaching of having a directory assistance search for phone numbers based upon the category of goods in Timmons et al reference would have been obvious to a person having ordinary skill in the art, because both references deal with providing directory information services to calling customers and a person with ordinary skill in this type of art would have readily concluded that both references would be combinable together. For claim 6, Simpson discloses in their abstract that the search results can be presented to customers using algorithms that prioritize the results using weighting schemes based on factors such as proximity (distance). Also see [0016] of Simpson et al

For claim 10, see [0116]. Regarding claims 8 & 11, Timmons discloses two call status conditions – busy in [0115] and ring-no-answer in [0116]. Regarding claim 24, Timmons discloses in [0082] and EDIT option 707 that is provided to edit contact information allowing each field to be modified. Regarding claim 25, Timmons never discloses an interface. However, one is inherently in Timmons system because as the caller calls in over the in to the operator over the PSTN, the caller's ANI is captured and then sent to a database to recall the user's contact folders. The interface is at the demarcation point where the user's ANI is sent to a database for the retrieval of the contact folders.

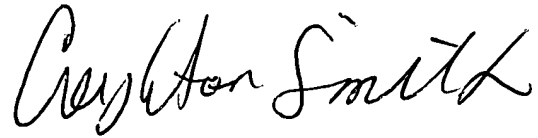
Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 13-40, 44 are allowed. The prior art fails to teach allowing the calling party to manipulate the call list.

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Any inquiry concerning this communication should be directed to Creighton H. Smith at
telephone number 571/272-7546.

11 SEP '06

A handwritten signature in black ink, reading "Creighton H. Smith". The signature is written in a cursive style with a large, stylized "C" and "S".

Creighton H Smith
Primary Examiner
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